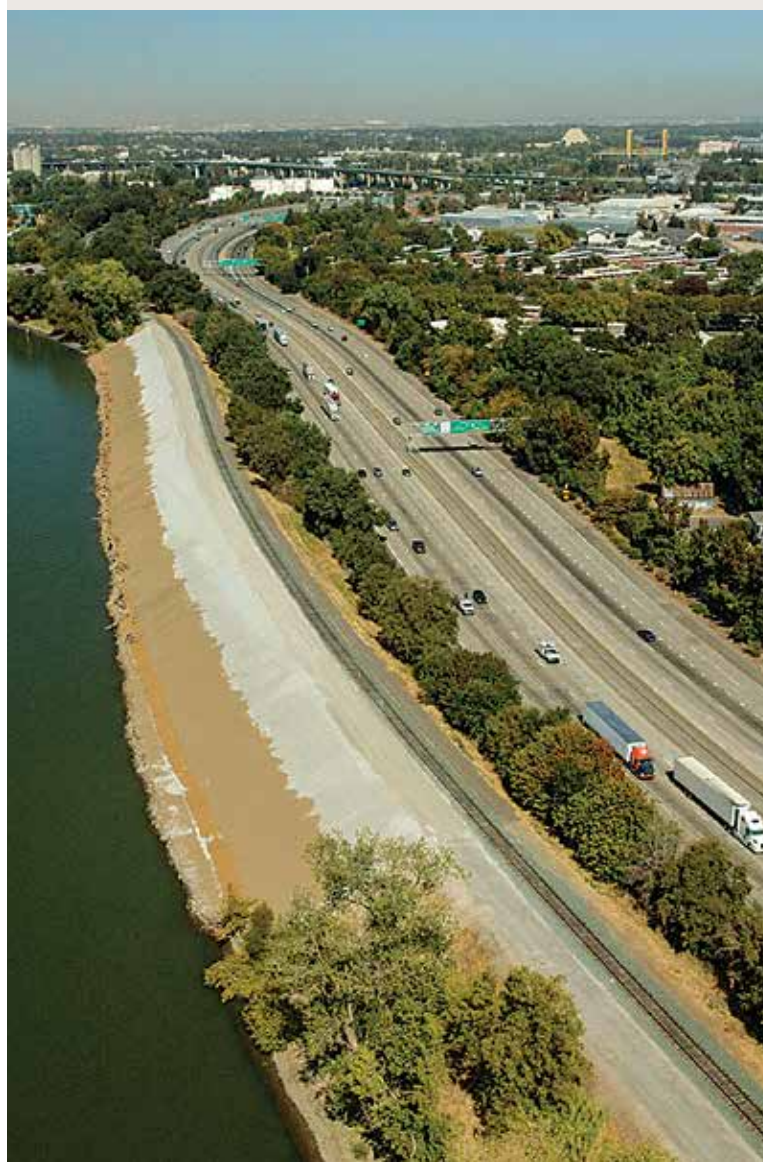


CENTRAL VALLEY
FLOOD PROTECTION BOARDA GUIDE THROUGH THE
ENCROACHMENT
ENFORCEMENT
PROCESS

- The State-federal flood control system includes nearly 1600 miles of levees that protect the Central Valley from devastating floods. These levees have been “authorized” by the State and federal governments and are known as “project levees.”
- The CVFPB has the responsibility of regulating encroachments that may affect the federal flood control system built by the U.S. Army Corps of Engineers and is maintained by local maintaining agencies.
- The CVFPB has adopted about 1300 miles of “designated floodways” to control the type of construction allowed in these flood-prone areas.
- During the 1997 floods, the federal flood control system prevented billions of dollars in damages to the Sacramento and San Joaquin valleys. However, there were several levee failures which re-emphasized the ongoing need to protect and improve the existing levees and flood control projects in the Central Valley.
- A 100-year flood has a 1% chance of occurring in any given year. This is roughly equivalent to a 26% chance that a 100-year flood will occur during a typical homeowner’s 30-year mortgage.



Central Valley Flood Protection Board

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For emergencies call (916) 574-2619

As a landowner living near a State-federal flood control project levee in the Sacramento or San Joaquin Central Valley or Delta, you probably have questions about the Central Valley Flood Protection Board’s (CVFPB) encroachment enforcement process. In this pamphlet **you’ll find answers** to many of your questions along with some information on how to prevent an encroachment enforcement action.

CVFPB Mission:

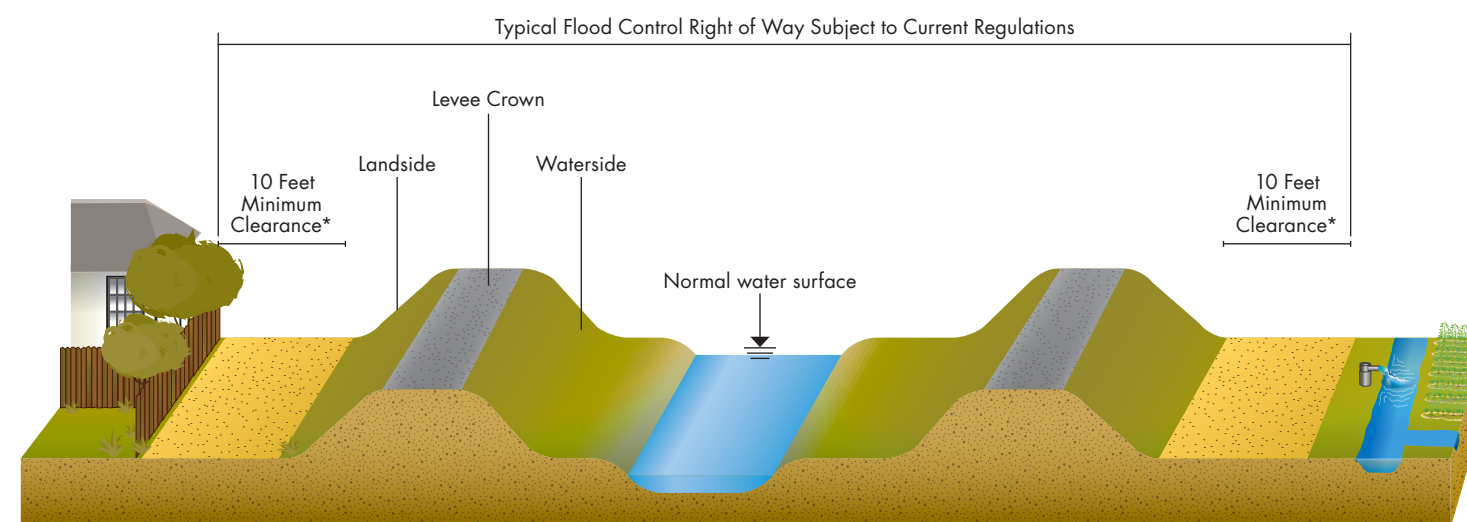
To reduce the risk of catastrophic flooding to people and property within the California Central Valley.

CVFPB Area of Jurisdiction:

As stated in the California Code of Regulations, Title 23, Article 1, Section 2(b), “the area of the Board’s jurisdiction includes the entire Central Valley, including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista Basins.

What should you do if you are contacted about a noncompliant encroachment or work on your property?

- Contact your Local Maintaining Agency (LMA) for guidance on steps to take to prevent further encroachment enforcement actions.
- Get informed about living near a levee: <http://www.cvfpb.ca.gov> has links to the California Water Code and our Regulations. CVFPB’s user-friendly “**Need for an Encroachment Permit**” pamphlet describes the CVFPB permitting process.
- Work with CVFPB enforcement staff to resolve the encroachment issue(s) as efficiently as possible.

Read on for an overview of the CVFPB Encroachment Enforcement Process.**Levee/Flood Channel cross-section** showing the minimum 10-foot clearance

*Future regulations may increase the minimum 10-foot clearance requirement. Please review the CVFPB website for the latest standards.

NOTICE OF VIOLATION (NOV)	CEASE & DESIST ORDER AND PUBLIC MEETING	ENFORCEMENT HEARING	ADDITIONAL ENFORCEMENT ACTIONS
<ul style="list-style-type: none"> • Begins the official enforcement process. • Cites the relevant statutes and/or regulations that your noncompliant encroachment(s) or unpermitted work have violated. • Requires a response, with a plan and schedule for the removal or repair of the encroachments or work. • Guides you on what actions to take to address code violations, and whether those actions require a permit from the CVFPB. • Informs you of the consequences that can result from noncompliance. 	<ul style="list-style-type: none"> • If the NOV is not cleared CVFPB’s Executive Officer will issue a Cease & Desist Order (C&D Order). • All C&D Orders are placed on a CVFPB meeting agenda to be considered by the Board. • Except in case of emergency the public meeting will be scheduled at least 30 days after the C&D Order is issued. • You will be notified in advance of the meeting date and you or your representative may attend the meeting to contest the C&D Order in person. • Based on the information available the Board may affirm, amend, modify, stay, or rescind the C&D Order. 	<ul style="list-style-type: none"> • Except in case of emergency CVFPB staff will notify you at least 30 days prior to the Enforcement Hearing date. • The notice will include the proposed Enforcement Order, and may include administrative penalties, which depending on the severity of the violation, range from \$500 to \$50,000. • The CVFPB staff will present the enforcement case to the Board, and then you will have an opportunity to present your case. • The Board may approve, amend, or reject the Enforcement Order and determine necessary actions. 	<ul style="list-style-type: none"> • The CVFPB may file the Enforcement Order with the court to collect the imposed penalties. • The CVFPB may record the Enforcement Order against your property. • The CVFPB may order removal, modification, abatement, or restoration. • The CVFPB may recover abatement costs from the responsible party by any legal remedy available, including placing a lien on your property. • Once the Enforcement Action has been fully resolved, and all fines paid in full, the CVFPB Executive Officer will issue a Certificate of Abatement, which may be recorded to clear the Enforcement Order.
<p>If there is no response, or if no action is taken towards correcting the violations, you will receive a Cease and Desist (C&D) Order as required by California State Law.</p>	<p>You are highly encouraged to make contact with enforcement staff prior to the public meeting to discuss your options. If the Board does not stay or rescind the C&D Order, and no action is taken towards correcting the violations, an enforcement hearing will be scheduled.</p>	<p>Any actions approved and fines levied in the Enforcement Order are immediately enforceable.</p>	<p>At any point prior to the issuance of an Enforcement Order you have the opportunity to stop the enforcement action by working with CVFPB staff to comply with the NOV or C&D.</p>
			
<p>Noncompliant staircase on levee slope. Noncompliant steps are not flush with levee slope.</p>	<p>Noncompliant swimming pool excavation causing soil displacement near levee foundation; fence & gazebo obstructing patrol and maintenance corridor.</p>	<p>Damaged pipe eroding levee slope.</p>	<p>Landside levee toe patrol corridor obstructions. Landslide levee toe encroachments obstructing maintenance and patrol corridor.</p>